COMMENTS OF THE AMERICAN LIBRARY ASSOCIATION
ON THE FEDERAL COMMUNICATIONS ACT
NOTICE OF PROPOSED RULEMAKING REGARDING THE
CHILDREN'S INTERNET PROTECTION ACT

These comments are made on behalf of the American Library Association. They respond to the request in the Notice of Proposed Rule (NPRM) published by the Federal Communications Commission (FCC) in the *Federal Register* on January 31, 2001 (66 Fed. Reg. 8371), seeking comment on the Children's Internet Protection Act (CIPA). (Paragraph references in the comments correspond to the numbering of the FCC's Further Notice of Proposed Rule Making, In the Matter of Federal-State Joint Board on Universal Service, CC Docket No. 95-45 (released January 23, 2001).)

The American Library Association (ALA) is the oldest and largest library association in the world with over 60,000 members, primarily school, public, academic, and special librarians, but also trustees, publishers, and friends of libraries. The Association's mission is to provide leadership for the development, promotion, and improvement of library and information services and the profession of librarianship in order to enhance learning and ensure access to information for all.

PRELIMINARY COMMENTS

Before addressing the specific substantive issues raised by the NPRM and the FCC's open-ended invitation for comment on how it might most effectively implement the subject legislation, ALA is compelled to point out a disquieting fact: The central objective of CIPA – requiring the use of blocking or filtering technology by libraries and schools to prevent access by both adults and children to certain defined visual depictions – cannot be achieved. The reason is quite simple: No such technology exists. Indeed, in its Report to Congress (October 20, 2000) the Commission on Child Online Protection (COPA) pointedly concluded that "no single technology or method will effectively protect children from harmful material online." (P. 9.) The government members of the Commission, in a joint statement, reemphasized that protective tools and methods "are not up to the task for providing full protection" against child access to online pornography and other "harmful to minors materials."

More recently, Consumer Reports tested the most widely used filtering software and concluded that "most of the products we tested failed to block one objectionable site in five." The software providing the "best protection" will "likely curb access to web sites addressing political and social issues." (*Consumer Reports*, March 2001, at 22.)

Unfortunately blocking or filtering technology that works to prevent access to the defined visual depictions not only is imperfect; it inevitably will obstruct access to materials falling outside the categories targeted by Congress, as *Consumer Reports* found. The COPA Commission itself concluded that currently available blocking and filtering technology inevitably

raises First Amendment concerns "because of its potential to be over-inclusive in blocking content." (Pp. 19, 21.) That access to these materials is constitutionally protected not only undermines the integrity of the statute, but casts a cloud of unconstitutionality over it as well.

With the understanding that it is not the FCC's role, nor intent, to do more than implement the specific requirements of Congress relating to a program under the FCC's jurisdiction, ALA understands and appreciates that the proposals in the NPRM cannot solve, cannot even ameliorate, the statute's underlying infirmity. ALA thus offers the following comments with an eye to achieving the most effective, responsible implementation from the perspective of the FCC, libraries and schools subject to the new law, and the American public who use their library and school computers.

I. CERTIFICATION ISSUES

A. Timing of Certification

The Commission in its Background statement (¶ 4, not reproduced in the NPRM published in the *Federal Register*) makes a bold and very consequential assumption regarding timing of certification requirements under the CIPA:

> Funding year 4 of the schools and libraries universal service funding mechanism, which begins on July 1, 2001 and ends on June 30, 2002, is the first program year after the effective date. Therefore, the first CHIP Act certifications pursuant to section 254(h)(5) and (h)(6) are due on or before October 28, 2001.

ALA respectfully disagrees with this assumption and urges that (1) the statute *permits* an interpretation that funding year 5 is, in fact, the "first program funding year after the effective date"; (2) the actual "program funding year" – the term used by Congress – begins in theory with the opening of the "window" in the fall and the filing of the application form (applications have already been filed for program funding year 4); (3) the least complex, burdensome, and costly approach to implementation can be attained through designating the first program funding year under CIPA to be Year 5; and (4) avoiding retroactive application of the statute and regulation militates against the Commission's assumption.

We note initially that the FCC may reasonably turn to its regulations to find support for its conclusion that a program funding year begins July 1 and runs through June 30 of the following year. The regulations, however, provide only that "a funding year *for purposes of the schools and libraries cap* shall be the period July 1 through June 30" (emphasis added). For the reasons provided below, we urge that this time-frame definition be confined to its usage in the context of determining the program cap, and not exported into CIPA.

(1) CIPA provides that libraries and schools must certify compliance "with respect to the first program funding year under this subsection following such effective date, not later than 120 days after the beginning of such program funding year" (and for subsequent

program funding years, as part of the application process). (47 U.S.C. §§ 254(h)(6)(E)(i)(I)-(II) (libraries) and 254(h)(5)(E)(i)(I)-(II) (schools).) NCIPA does not have a certification timing requirement, but is effective "with respect to schools and libraries on or after the date that is 120 days after the date of enactment of" CIPA. (47 U.S.C. §§ 254(l)(4).) (The Commission must prescribe regulations for purposes of NCIPA within 120 days after enactment. (NCIPA § 1722.)) Taken together, none of these provisions sets a time-frame for certification other than requiring libraries and schools to certify compliance with the new legislation (both CIPA and NCIPA) for the "first program funding year" after April 20, 2001.

(2) The "the first program funding year under this subsection following" April 20th is funding year 5, not Year 4. Program funding year 4 legally began at least as early as November 6, 2000, according to the Universal Service Administrative Company, Schools and Libraries Division (SLD), when the filing window opened last fall for FCC Form 471. (See Program Description For the 2001-2002 Funding Year, at 1 [accessible as "Step 1" at http://www.sl.universalservice.org/apply/].) An argument might be made that the program funding year begins with the filing of FCC Form 470 (Description of Services Requested and Certification), but these forms may be filed anytime during the year – up to 28 days prior to the close of the window, which is the last day for filing the Form 471 – and thus do not represent a reliable "start time" for a legal requirement tied to a program funding year. By the same token, the actual compliance requirements of CIPA and NCIPA are tied to receipt of universal service discounts or funds (hereafter abbreviated as "E-rate discounts"), so it is particularly appropriate to tie certification to the filing of Form 486 ("Receipt of Service Confirmation Form"); language is suggested below.

(3) As a practical matter the least complex, burdensome, and costly approach to implementation can be attained through designating the first program year as Year 5. That is because—

- Potential E-rate recipients have completed their planning process, and many have submitted their technology plans for Year 4. At least some of this planning might be undone by requiring certification relating to putting new technology in place after the fact.

- Many libraries and schools have completed their budget cycles applicable to Year 4, have completed programs for training of staff, and are outside the state or local procurement parameters applicable to Year 4.

- E-rate applicants have already certified for Year 4, in Block 6 of FCC Form 471, that "the eligible schools and libraries . . . have secured access to all of the resources, including computers, training, software, maintenance, and electrical connections necessary to make effective use of the services purchased . . . ." This effectively precludes any CIPA certification for Year 4 by a library or school, other than one grounded on an undertaking to comply, if actual compliance would

require acquisition of software. This certification would thus not be especially meaningful.

- In some instances, libraries and schools have already entered into binding contracts as a predicate to the filing of FCC Form 471 (due by January 18, 2001) for Year 4. These may have to be renegotiated or even abrogated for CIPA compliance should design changes be required for compliance.

- Library and school governing boards have already taken official action regarding Year 4 participation. These boards may not wish, or be able, to make a commitment necessary to support a required certification (even that the entity was undertaking to comply) outside the full-blown planning process of developing a full program year application, the next one of which will be for Year 5.

- As a practical matter, Year 4 decisions will be made (and thus a FCC Form 486 filed) over an indeterminate period of months. Obtaining approval for form changes, ensuring that all recipients have the required forms, and tracking CIPA compliance starting after April 2001, to be completed by October 2001, will be burdensome and confusing, in the least.

(4) The FCC should, and may be legally required, to avoid retroactive application of the statutory requirements, especially where the statute does not unequivocally require it to do so. Retroactive application of statutes is not favored. Rights and expectations that may have arisen from actions taken and expenditures made in reliance on section 254(h) in the course of making applications for Year 4 – which may have occurred before CIPA was even enacted – should not be infringed or frustrated. Here the statutory language admits of a reasonable interpretation that would avoid any argument of retroactive impact; that interpretation, favoring designating Year 5 as the operative program funding year for purposes of CIPA and NCIPA certification, should prevail.

For these reasons, ALA strongly urges that the Commission reverse its unjustified assumption that the first program funding year to which CIPA applies begins July 2001 and, instead, establish CIPA (and NCIPA) implementation requirements keyed to Year 5. For the reasons we discuss below (under Form for Certification), we propose that the first required certification for CIPA and NCIPA be included in the FCC Form 486 for Year 5, the filing of which marks the commencement of E-rate service that is mandated to be covered by CIPA. (While the statute does not address the question of timing for certification under NCIPA, and the FCC makes no proposal of its own when seeking comment on the timing requirements for NCIPA (*see* ¶ 9), ALA believes that the most efficient and timely, and least burdensome and confusing, approach dictates coupling of CIPA and NCIPA certification requirements. Suggested wording appears below.

B. Language of Certification

The Commission partially addresses the issue of what language should be used for certification under CIPA and raises questions implicating certification language under NCIPA. Below we suggest a comprehensive scheme of simplified, effective certification built upon the initial proposal made by the FCC.

1. Certification for First Program Year. The Commission has proposed that recipients use one of the following certifications: "I certify that the recipient complies with all relevant provisions of the Children's Internet Protection Act, 42 U.S.C. § 254(h)" or "I certify that the requirements of the Children's Internet Protection Act, 42 U.S.C. § 254(h), do not apply." (¶ 6.) ALA believes that that these certifications are *not* appropriate or complete for the first year for which certification is required for CIPA, in light of our proposal that the certification be contained in Form 486 for Year 5 (see Timing of Certification above).

We propose that the specific language of the certification for individual recipients (libraries or schools) be as follows. We address the appropriate language and process for certifying compliance when a consortium, network, or other library-related entity is the "recipient" below (see Certification by Consortia, Networks, and Other Library-related Entities, below).

Form 486 ("Receipt of Service Confirmation Form"), Block 4

a I certify that the recipient complies with all relevant provisions of the Children's Internet Protection Act, 42 U.S.C. § 254(h); *or*

I certify that the requirements of the Children's Internet Protection Act, 42 U.S.C. § 254(h), do not apply.

b I further certify that the recipient complies with all relevant provisions of the Neighborhood Children's Internet Protection Act, 42 U.S.C. § 254(l).

2. Certification for Second Program Year and Thereafter. An additional certification statement must be available for recipients for the second program year, since under sections 254(h)(6)(E)(ii)(III) (library) and 254(h)(5)(E)(ii)(III) (schools), recipients may obtain a waiver of the compliance certification requirement. An appropriate statement would be: "I certify that I have obtained a waiver from compliance with the requirements of the Children's Internet Protection Act, 42 U.S.C. § 254(h)." Since a library or school may not decide to apply for E-rate until a year or more after the effective date of CIPA, the waiver certification should be carried on the appropriate form (Form 486) each year after the first program year.

3. NCIPA Certification. The Commission seeks comment on whether the timing requirements under CIPA also apply to certifications by libraries and schools regarding the adoption and implementation of an Internet safety policy as required by section 254(l), the

Neighborhood Children's Internet Protection Act (NCIPA). (¶ 9.) We have addressed the timing of certification under NCIPA above; to repeat, ALA believes that the burdens on both recipients and the FCC would be minimized if the certification appears in conjunction with that for CIPA. As to the text of the certification, an appropriate additional line on the certification (Form 486) would read: "I certify that the recipient complies with all relevant provisions of the Neighborhood Children's Internet Protection Act, 42 U.S.C. § 254(l)." (There is no need for a statement that this Act "does not apply," since by definition *all* libraries and schools receiving E-rate funding or discounts must comply with NCIPA.)

Separate language applicable to certifications made where consortia and networks are involved is discussed and proposed below (Certification by Consortia, Libraries, and Other Library-related Entities).

C. FCC Form for Certification

The Commission's NPRM proposes that "in future years, we contemplate adding the certification to the Form 471." (¶ 8.) This, however, is unnecessary. Making a certification of compliance in Form 471 is premature, since the funds or discounts are in no way assured to the applicant at the time of filing.

Additionally, the proposal to adapt FCC Form 486 as a means of certification for Year 4 is not only unnecessary if the correct view of statutory construction is adopted by the FCC and Year 5 is designated the first program funding year for CIPA compliance purposes; it is likely to prove very confusing. Form 486, as we propose, should be used for final prospective certification starting with or in Year 5 and each year thereafter. Adapting that form for one-time retroactive application can only increase the opportunity for error and enhance the burden on both the government and those filing the forms.

1. The first program funding year certification should be made on FCC Form 486 for Year 5. Our analysis of the statutory language and practical considerations above compel that Year 5 be treated as the first program funding year after the effective date of CIPA and NCIPA for certification purposes. Since some potential applicants have already filed Form 470 for Year 5 (and others may file before the FCC regulations are final), that Form will, for Year 5, be an inappropriate certification vehicle. Use of Form 471 requires premature certification, since the applicant will not yet have begun receiving the E-rate discount for the applicable year; in fact, the applicant filing Form 471 may not ultimately enter the program, since funding has been inadequate to cover all applications in each year of the program's operation.

2. Certification language for CIPA and NCIPA should appear on Form 486 for Year 5. CIPA and NCIPA certifications on Form 471 for Year 5 would be premature, since that form is effectively the first "application" for participation in the E-rate program and does not guarantee participation. (Form 470, filed at some earlier and indeterminate time, is tantamount to an RFP to service providers.) The single certification on Form 486 that ALA proposes serves

the purpose of conforming the timing of the final certification to actual receipt of the E-rate benefit. Since actual compliance is not required by the statute until service commences, it is appropriate that the CIPA and NCIPA certifications (in Form 486) become the operative ones under the statutory scheme. (Should E-rate benefits not be forthcoming to an applicant that has filed the Form 471, then the no Form 486 would be filed, and the E-rate-based requirements of CIPA and NCIPA would not apply.)

D. Certification by Consortia, Libraries, and Other Library-related Entities

Recognizing that applicants for E-rate often involve school districts, consortia, libraries, and other library-related entities, the FCC requested comment on which entities should make the required CIPA certification. (¶ 8.) (While the FCC recognizes "consortium" as a specific category of applicant, in fact an applicant (other than an individual library or school) can be a consortium, school district, library network, multi-library network, state or regional or cooperative library system, or other library entity. For convenience, for the purposes of these comments we include all of these entities in the term "consortia, networks, and other library-related entities" (occasionally shortened to "consortia").

Since we have concluded above that law and logic support coupling CIPA and NCIPA certification for purposes of timing – recognizing that a very different set of considerations apply to the two – we see no reason to separate the issue of *who* makes the certification under both acts. (NCIPA separately requires libraries and schools to make their Internet safety policies to be available for Commission review on request. (47 U.S.C. § 254(l)(3).) Nothing we say in this section is inconsistent with this requirement.)

ALA has considered the two options that might be used where members of a consortium, network, or other library-related entity receive E-rate discounts for Internet access or internal communications, both of which appear consistent with the requirements and goals of CIPA and NCIPA: direct certification by libraries and schools to the FCC (or SLD), and two-tiered certification whereby the consortium, library, or other library-related entity making application makes appropriate certifications that, in turn, are supported by certifications made to it. We have concluded that the FCC, the consortium, and the individual library and school members would all benefit from the second approach, under which the consortium, library, or other library-related entity becomes a conduit for certifying for its members based upon certifications received by them.

1. Two-tiered certification is consistent with current certification practice. Form 471 presently contains a lengthy certification in Block 6 that, for example, includes certifications "that the entities eligible for support that I am representing have complied with all applicable state and local laws regarding procurement of services . . ." (line 28) and "that the entity(ies) I represent has complied with all program rules . . ." (line 30). Other certifications, as well, are made on behalf of "eligible schools and libraries listed." It would thus be consistent to add a comparable certification regarding CIPA and NCIPA compliance.

2. Consortia applicants must use due diligence to ensure member compliance in other realms. As indicated above, consortia, libraries, and other library-related entities effectively secure member compliance in a number of areas. The same type of paperwork flowing from the member to the consortium in these areas could provide the vehicle for certifications that would allow the consortium, in turn, to make the requisite certification to the FCC. While this would add one more responsibility to the consortium, network, or other library-related entity, it would have to take steps to remain informed of whether its members are in compliance with CIPA and NCIPA in any event; thus, giving the consortium an official role in the certification process does little more than codify its oversight responsibility.

3. Two-tiered certification would reduce burdens on the FCC, as well as on libraries and schools. Libraries and schools who receive E-rate discounts through participation in consortia, libraries, and other library-related entities do not today file forms directly with the government (or the SLD). To initiate a direct reporting obligation would inundate the FCC with new paperwork. Yet the paperwork burden on libraries and schools benefiting from E-rate discounts would not be reduced, since, as noted above, they would still have to keep their consortium, library, or other library-related entity informed (through a duplicate filing, most likely) of their compliance reporting. Additionally, new forms would be required to effectuate this direct-reporting alternative.

The language of the certifications for consortia, libraries, and other library-related entities will have to be carefully crafted, since it is crucial that consortia, libraries, and other library-related entities not be rendered liable in any way for erroneous or false statements of their members. Possible formats for certification language include the following:

Form 486

> I certify that all of the eligible entities identified in the Form 471 application(s) have provided statements to me that:
>
> a Each library and school receiving services at discount rates under 42 U.S.C. § 254(h)(1)(B) is in compliance with all relevant provisions of the Neighborhood Children's Internet Protection Act, 42 U.S.C. § 254(l).
>
> b Each library and school receiving services at discount rates under 42 U.S.C. § 254(h)(1)(B) for Internet access or internal communications (i) is in compliance with all relevant provisions of the Children's Internet Protection Act, 42 U.S.C. § 254(h), or (ii) has obtained a waiver under 42 U.S.C. § 254(h)(5)(E)(ii)(III) or § 254(h)(6)(E)(ii)(III), or (iii) is not subject to the requirements of 42 U.S.C. § 254(h)(5) or (6).

The consortium, library, or library-related entity is required in the application to acknowledge that it may be audited and state that it will retain for five years "any and all . . . records that I rely upon to fill in this form." (Form 486, Line 11.) The individual certifications obtained by the

consortium and used as the basis for its certification (above) will be covered by this requirement. It may be anticipated that consortia, libraries, and other library-related entities will require their members to provide such certifications in the form required by the FCC of individual school and library applicants.

II. PROPOSED EXCEPTIONS

Although the Commission did not address the subject in its NPRM, it did suggest an interest in minimizing burdens on affected libraries and schools and invited commenters "to address additional issues regarding effective implementation of the on CHIP Act by the Commission." ALA believes that an extremely efficient and effective approach to implementation should include the creation of exemptions, consistent with the language and intent of the statute. Categories proposed for this treatment include the following:

A. Workstations Not Available for Use by the Public or Children

The stated and clear goal of CIPA and NCIPA is protection of children, or in some cases children and adults, from material that Congress has determined should not be available to them via a computer provided by an entity receiving certain E-rate discounts. All of the many requirements of the statute are directed toward reaching this goal. It is thus entirely consistent with the objectives of the new law to exempt from requirements relating to both CIPA and NCIPA all workstations that do not serve the public. Compliance with the requirement that blocking or filtering technology be utilized is not without cost; procuring hardware and software and providing supervision can cost a library as much as $10,000 in start-up costs. As the Commission recognizes, a large number of those libraries and schools covered by the law are small entities. (¶ 16.)

Additionally, in many libraries and schools computers reserved for staff use are not even remotely accessible to the public; they are located in separate offices or even on different floors where the public is not allowed. Staff will inevitably be using those computers for lawful purposes and must, to do their jobs, have unfiltered and unfettered access to the Internet. A requirement that the computers they use have blocking or filtering technology – technology that will, and should, remain disabled all of the time – is wasteful and offensive in these times of tight library and education budgets.

B. Consortia, Libraries, and Other Library-related Entities' Computers and Networks that do Not Serve the Public Directly

Often consortia, libraries, and other library-related entities maintain networks for use of their members, and the Internet is accessible only through the workstations of those members. (As we did above, we continue to shorten the terms consortia, school districts, library networks, multi-library networks, state or regional or cooperative library systems, or similar entities for convenience to "consortia, libraries, and library-related entities.") Thus it may miss the mark to suggest that the regulations exempt workstations not used by the public if an interpretation is

possible that the network might have to have blocking or filtering technology. (It is possible that the network will be maintained by a library, which also has computers through which the public can access the internet; the issue here is whether the network, and not the public workstations, is subject to CIPA's requirements.)

For the reasons stated in the previous section – consistency with the objectives of CIPA, cost of technology, needs of library staff – and the additional reason that imposing a filtering or blocking requirement on the network would mean duplicate use of blocking or filtering technology, consortia computers that are used to sustain services to a group of libraries or schools should be exempt from CIPA if they do not also provide *direct* access to the public. The computers that do serve the public directly would, however, remain subject to CIPA's requirements if those requirements would otherwise apply.

III. REMEDIES

A. Generally

The FCC seeks comment on whether any new rules are needed "to implement these remedial provisions of the statute, and how these provisions can be implemented in a way that is administratively efficient and fair to applicants." (¶ 10.) The remedial provisions to which the Commission refers provide that a library or school "that knowingly fails to comply with the application guidelines regarding the annual submission of certification" shall not be eligible for E-rate and that a library or school "that knowingly fails to ensure the use of its computers in accordance with a certification" shall reimburse any funds and discounts received for the period covered by that certification. (47 U.S.C. §§ 254(h)(6)(F)(i)-(ii) and 254(h)(5)(F)(i)-(ii).)

Although CIPA remedial actions are likely to raise novel issues, it would nonetheless seem burdensome and duplicative to suggest an entirely new set of procedures for applying the remedial provisions of CIPA, so long as due process is fully afforded through application of the existing processes. We thus propose the following principles to guide enforcement of this new statute:

- The Administrator of the federal universal service support mechanism, 47 C.F.R. § 701 (1999), shall be delegated authority to enforce the provisions of CIPA.

- In all cases, considering the novelty and complexity of the issues presented by CIPA, the Administrator shall provide reasonable notice in writing to the library or school alleged to be out of compliance with 47 U.S.C. §§ 254(h)(6) or (h)(5) and shall allow 60 days for a response.

- If, after 60 days, the library or school has not satisfied the Administrator that it is in, or is coming into, compliance, the Administrator may take such remedial action as is authorized under CIPA.

- Review of decisions of the Administrator under CIPA shall be governed by existing regulatory procedures in 47 C.F.R. subchap. 54, subpart I.

B. As Applied to Consortia, Networks, and Other Library-related Entities

The remedial provisions of CIPA do not readily conform to the realities of participation by consortia, networks, and other library-related entities in the E-rate program. That is because, for example, should a member library or school fail to ensure use of its computers in accordance with its certification, it is not immediately evident who is required to repay whom how much under this complex program. Likewise, it is unfair and unwise to terminate discounts or funding to a consortium if one of its members is not in compliance with CIPA requirements. We thus propose the following additional principles to guide enforcement of CIPA as to consortia (and school districts and library networks) to provide continuing program integrity assurance:

- Copies of any notification of noncompliance, and notices relating to any enforcement proceeding, sent to a library or school should be sent to the consortium, library, or library-related entity that is the E-rate applicant for that library or school.

- Any decision of the Administrator regarding compliance with the requirements of CIPA by a library or school that is a member of a consortium, library, or library-related entity shall immediately be provided to the consortium.

- No consortium, library, or library-related entity shall be held liable for any aspect of noncompliance with CIPA by a library or school member, except that the consortium, library, or library-related entity may be held responsible for ensuring that any library or school member found in noncompliance does not receive services through the consortium, library, or library-related entity at discount rates or receive funding in lieu of such services at such rates.

- A consortium, library, or library-related entity may be found in noncompliance with CIPA if any certification it has made with regard to members' statements of compliance was not made in good faith.

Conclusion and Summary

The NPRM appears, in most aspects, to be seeking to implement CIPA and NCIPA efficiently and faithfully. These goals will best be served through adoption of the proposals made by the American Library Association in these comments; in essence, we recommend—

- Starting the certification process for CIPA and NCIPA with the filing of Form 486 for Year 5, beginning in 2002.

- Coupling the certifications for both CIPA and NCIPA in the certification box of the appropriate form.

- Wording the certification in Form 486 as a certification of compliance with the statute.

- Allowing consortia, libraries, and library-related applicants to certify receipt of statements from members that, in turn, mirror the certifications required for individual libraries and schools.

- Excepting workstations not available for use by the public, networks, and computers of consortia, libraries, and library-related applicants that do not serve the public directly.

- Utilizing the current remedies available under the rules implementing the E-rate statute, extending to 60 days the time available for response and compliance.

- Holding individual libraries and schools responsible for compliance rather than consortia or networks so long as the consortium, library, or library-related entity made its certification in good faith based upon members' certifications.

We respectfully urge the Commission to issue its final regulations implementing CIPA and NCIPA consistent with these proposals.